

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANIEL R. GOODMAN,

Plaintiff,

V.

CAROLYN W. COLVIN.

Defendant.

CASE NO. 2:15-01149-JLR-KLS

## REPORT AND RECOMMENDATION

Noted for June 10, 2016

This matter is before the Court on plaintiff's failure to file an opening brief. This matter has been referred to the undersigned Magistrate Judge.<sup>1</sup> The undersigned recommends the Court dismiss plaintiff's complaint without prejudice for failure to prosecute.

On April 18, 2016, noting that plaintiff had missed her deadline for filing her opening brief, the undersigned issued an order to show cause directing her to do so by May 9, 2016.<sup>2</sup> In that order, the undersigned warned plaintiff that failure to file her opening brief by that date would be deemed a failure to prosecute, resulting in a recommendation that this matter be

<sup>1</sup> Mathews, Sec'y of H.E.W. v. Weber, 423 U.S. 261 (1976); 28 U.S.C. § 636(b)(1)(B); Local Rule MJR 4(a)(4).

2 Dkt. 16

1 dismissed.<sup>3</sup> To date, plaintiff has not filed an opening brief. The undersigned thus recommends  
2 the Court dismiss plaintiff's complaint for failure to prosecute.

3 The parties shall have **fourteen (14) days** from service of this Report and  
4 Recommendation to file written objections thereto.<sup>4</sup> Failure to file objections will result in a  
5 waiver of those objections for purposes of appeal.<sup>5</sup> Accommodating the time limit imposed by  
6 Fed. R. Civ. P. 72(b), the clerk is directed set this matter for consideration on **June 10, 2016**, as  
7 noted in the caption.

8 Dated this 26th day of May, 2016.

9  
10   
11 Karen L. Strombom  
12 United States Magistrate Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

23 <sup>3</sup> *Id.*

24 <sup>4</sup> 28 U.S.C. § 636(b)(1); Federal Rule of Civil Procedure (Fed. R. Civ. P.) 72(b); *see also* Fed. R. Civ. P. 6.

<sup>5</sup> *Thomas v. Arn*, 474 U.S. 140 (1985).